

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
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S097308      Advanced Bionics Corporation et al., Plaintiffs and Respondents  
2nd Dist.                      v.  
B144465      Medtronic, Inc., Defendant and Appellant.  
B144920      And Companion Case.  
Div. 1                      Petition for review GRANTED.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S097344      Summit Financial Holdings, Ltd., Plaintiff and Respondent,  
4th Dist.                      v.  
D036868      Continental Lawyers Title Company, Defendant and Appellant.  
Div. 1                      Petition for review GRANTED.

George, C.J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S097441      Stephen Bowyer, Plaintiff and Appellant,  
2nd Dist.      v.  
B145673      Phillip Morris Incorporated, Defendant and Respondent.  
Div. 5      Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Myers v. Phillip Morris Companies*, S095213 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S097450      Jeffrey Hambarian, Petitioner,  
4th Dist.      v.  
G026447      Orane County Superior Court, Respondent  
Div. 3      The People, Real Party in Interest

Petition for review GRANTED. The issue to be briefed and argued shall be limited to whether the District Attorney's use of an expert investigator compensated by the victim, City of Orange, required recusal of the District Attorney under conflict of interest principles. (Pen. Code §1424; *People v. Eubanks* (1996) 14 Cal.4th 580.)

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

4th Dist.      In re Eva Kerch  
D037690          on  
Div. 1          Habeas Corpus  
S097821          Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its summary denial dated May 16, 2001, and to issue an order to show cause, returnable before that court. The San Diego County Superior Court is to be ordered to show cause, when the matter is placed on calendar, why petitioner was not incompetent to represent herself and to stand trial, as supported by the exhibits presented in petitioner's habeas corpus petition, why trial counsel retained after conviction was not ineffective, and why petitioner's conviction should not be reversed and she should not be granted a new trial. The return shall be filed on or before July 13, 2001.

Pending further order of the Court of Appeal, execution of the county jail portion of the sentence imposed on January 24, 2000 in *People v. Eva Kerch*, San Diego County Superior Court #M776321, is hereby stayed.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S025122      The People, Respondent,  
                         v.  
                         Deondre Arthur Staten, Appellant

Appointed counsel for condemned inmate Deondre Arthur Staten has timely filed with the United States Supreme Court a petition for writ of certiorari seeking review of this court's decision affirming the judgment of death. Accordingly, the application for stay of execution is granted and execution of the judgment of death entered

against Deondre Arthur Staten by the Los Angeles Superior Court, and affirmed by this court on November 9, 2000 (24 Cal.4th 434), is hereby stayed pending the final determination of such petition for writ of certiorari in the United States Supreme Court.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S083619      The People, Respondent  
4th Dist.      v.  
E023356      Eugene Matthews, Jr., Appellant  
Div. 2

The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Epps* (2001) 25 Cal.4th 19.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S083835      The People, Respondent

4th Dist.      v.

D032857      James Richard Allen, Appellant

Div. 1

The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *Apprendi v. New Jersey* (2000) 530 U.S. 466 and *People v. Epps* (2001) 25 Cal.4th 19.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S083906      The People, Respondent

2nd Dist.      v.

B124850      Jesse Patrick Ramirez, Appellant

Div. 5

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its decision and to reconsider the cause in light of *Apprendi v. New Jersey* (2000) 530 U.S. 466 and *People v. Epps* (2001) 25 Cal.4th 19.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S073512      In re the Marriage of Santiago Z. Arrieta and Annie Jacob  
1st Dist.      -----

A078696      Annie Jacob, Appellant

Div. 2

v.

Santiago Z. Arrieta, Respondent

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, First Appellate District, Division Two.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S078564      The People, Respondent

2nd Dist.

v.

B119774      Darien Andre Valentine, Appellant

Div. 4

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Four.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S081855      The People, Respondent

2nd Dist.      v.

B122228      Alfred Gonzalez, Appellant

Div. 2      Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Two.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S063274      In re Ralph International Thomas

On

Habeas Corpus

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable William McKinstry, Presiding Judge of the Alameda County Superior Court, shall select a Judge of the Alameda County Superior Court to sit as a referee in this proceeding and shall promptly notify this court of the referee selected. After appointment by this court, the referee shall take evidence and make findings of fact on the following questions regarding the case of *People v. Ralph International Thomas* (Alameda County Super. Ct. No. CR83244; Judge Robert K. Byers):

1. What information did trial counsel James Chaffee have, prior to trial, concerning the possible identity of the blond man Vivian Cercy testified she saw with persons who apparently were Mary Gioia and Greg Kniffen, on the night they were killed?

2. What action, if any, did Chaffee take to investigate this information prior to trial?

3. If he investigated incompletely or not at all, what, if any, were his reasons?

4. Did Chaffee know, or could he reasonably have learned, prior to trial, of the existence, whereabouts and potential usefulness as



witnesses of Megan Barry, David Kohn, Daniel Adams and Claus von Wendel?

5. If Chaffee could have contacted these potential witnesses, what information would they have provided?

6. Would they have testified at petitioner's trial and, if so, to what effect?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

Any requests for discovery in this matter should be addressed to the referee.

S078879      In re Hugo Rangel Resendiz  
4th Dist.      on  
G023901      Habeas Corpus  
Div. 3      Petition for rehearing DENIED.

Mosk, J., is of the opinion the petition should be granted.

S085471      The People, Respondent  
6th Dist.      v.  
H018424      Joel Robert Tobias, Appellant  
Petition for rehearing DENIED.

S097731      Jesus Lopez Munguia, Petitioner  
v.  
Los Angeles County Superior Court et al., Respondents  
People, Real Party in Interest  
Application for stay and petition for writ of mandate DENIED.

S090040      In re Willie D. Johnson  
on  
Habeas Corpus

The request for judicial notice of the records in *People v. Johnson*, S004778, and *In re Johnson*, S027758, is granted.

The petition for writ of habeas corpus, filed on July 20, 2000, as amended on August 7, 2000, is denied on the merits.

Except where framed as allegations of ineffective assistance of counsel and as noted, the following claims additionally are denied as having been raised and rejected on appeal (see *In re Harris* (1993) 5

Cal.4th 813, 829; *In re Waltreus* (1965) 62 Cal.2d 218, 225): A, B, C (except as alleging violation of the Fifth Amendment), D (except as alleging violation of the Fifth Amendment and denial of state-law-based due process (see *Hicks v. Oklahoma* (1980) 447 U.S. 343)), E (except as alleging violation of the Sixth Amendment), and F (except as alleging denial of state-law-based due process (see *Hicks v. Oklahoma, supra*). Except where framed as allegations of ineffective assistance of appellate counsel, the following claims additionally are denied on the ground that they could have been, but were not, raised on appeal (see *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756): C (to the extent it alleges violation of the Fifth Amendment), D (to the extent it alleges violation of the Fifth Amendment and denial of state-law-based due process), E (to the extent it alleges violation of the Sixth Amendment) and F (to the extent it alleges denial of state-law-based due process).

In addition, all claims except Claim G are denied as untimely. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750.)

Justices Mosk and Brown would deny the petition solely on the merits.

S094849     In re Ronald Lee Sanders  
                 on  
                 Habeas Corpus

The request for judicial notice of the records in *People v. Sanders* (1990) 51 Cal.3d 471 and in *In re Sanders* (1999) 21 Cal.4th 697 is granted. The petition for a writ of habeas corpus, filed in this court on January 29, 2001, is denied on the merits.

Mosk, J., is of the opinion an order to show cause should issue.

S096406     In re Shannon Secrease  
                 on  
                 Habeas Corpus

Petition for writ of habeas corpus is DENIED.

S096459     In re John L. Lopez  
                 on  
                 Habeas Corpus

Petition for writ of habeas corpus is DENIED.

S097630      In re Roberto Chaidez  
                 on  
                 Habeas Corpus  
                 Application for stay and petition for writ of habeas corpus  
                 DENIED.

S097638      In re Kennard Davis  
                 on  
                 Habeas Corpus  
                 Application for stay and petition for writ of habeas corpus  
                 DENIED as moot.

1st Dist.      People, Respondent  
A084777      v.  
Div. 4      Shannon Secrease, Appellant  
S096478      Petition for review DENIED.

1st Dist.      People, Respondent  
A085960      v.  
A088258      Michael Harold Omstead, Appellant  
Div. 3      -----  
S096423      In re Michael Harold Omstead on Habeas Corpus  
                 Petition for review DENIED.

1st Dist.      People, Respondent  
A086941      v.  
Div. 2      Frank Carl Burrows, Jr., Appellant  
S096885      Petition for review DENIED.

1st Dist.      People, Respondent  
A087284      v.  
Div. 2      Joshua Little Burrows, Appellant  
S096908      Petition for review DENIED.

1st Dist.      In re Rex H. et al., Persons Coming Under the Juvenile Court Law  
A087334      -----  
A089523      Napa County Dept. of health and Human Services, Respondent  
Div. 4      v.  
S097234      Billie H., Appellant  
                 Petition for review DENIED.

1st Dist. People, Respondent  
A087450 v.  
Div. 3 Everett Eugene Mosley, Appellant  
S097427 Petition for review DENIED.

1st Dist. People, Respondent  
A087478 v.  
Div. 3 Jesse Shavers, Appellant  
S097196 Petition for review DENIED.

1st Dist. People, Respondent  
A087504 v.  
Div. 2 Eliot Scott Grizzle, Appellant  
S096644 Petition for review DENIED.

1st Dist. Mark Kharmats, Respondent  
A088011 v.  
Div. 4 Roger Lee Curnutt, Appellant  
S097539 -----  
Roger Lee Curnutt, Petitioner  
v.  
San Mateo County Superior Court, Respondent  
Mark Kharmats, Real Party in Interest  
Petition for review DENIED.

1st Dist. People, Respondent  
A088119 v.  
Div. 2 George Edward Johnson, Appellant  
S097506 Petition for review DENIED.

1st Dist. People, Respondent  
A088121 v.  
Div. 4 Tyrone Lavon Morgan, Appellant  
S097283 Petition for review DENIED.

1st Dist. People, Respondent  
A088155 v.  
Div. 3 Lawrence Cuevas, Appellant  
S097260 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

1st Dist. People, Respondent  
A088911 v.  
Div. 4 Damon Lamont Valery, Appellant  
S097435 Petition for review DENIED.

1st Dist. Allen Nelson, Appellant  
A088955 v.  
Div. 1 Profit Pak, Inc., Respondent  
S096656 Petition for review DENIED.

1st Dist. People, Respondent  
A089371 v.  
Div. 4 Gregory A. Comaroto, Appellant  
S097481 Petition for review DENIED.

1st Dist. People, Respondent  
A089434 v.  
Div. 3 Donald August Schave, Appellant  
S097266 Petition for review DENIED.

1st Dist. People, Respondent  
A089715 v.  
Div. 3 Jeffrey Grimes, Appellant  
S096550 Petition for review DENIED.

1st Dist. People, Respondent  
A089739 v.  
Div. 2 Raphael Craig Butler, Appellant  
S096778 Petition for review DENIED.

1st Dist. People, Respondent  
A090086 v.  
Div. 2 Lawrence Kennedy Nelson, Appellant  
S097177 Petition for review DENIED.

1st Dist. In re Kaylee C., a Person Coming Under the Juvenile Court Law  
A090133 -----  
Div. 4 Contra Costa County Social Service Department, Respondent  
S097366 v.  
Karl C., Appellant  
Petition for review DENIED.

1st Dist. People, Respondent  
A090172 v.  
Div. 3 Jimmy Charles Stroup, Appellant  
S097403 Petition for review DENIED.

1st Dist. People, Respondent  
A090419 v.  
Div. 1 William Mooney, Appellant  
S097375 Petition for review DENIED.

1st Dist. In re David G., a Person Coming Under the Juvenile Court Law  
A090579 -----  
Div. 3 People, Respondent  
S097115 v.  
David G., Appellant  
Petition for review DENIED.

1st Dist. People, Respondent  
A090729 v.  
Div. 2 Stevan T. Jensen, Appellant  
S096864 Petition for review DENIED.

1st Dist. People, Respondent  
A090891 v.  
Div. 1 Mark W. Jackson, Appellant  
S097265 Petition for review DENIED.

1st Dist. In re Ian C., a Person Coming Under the Juvenile Court Law  
A090936 -----  
Div. 1 People, Respondent  
S096725 v.  
Ian C., Appellant  
Petition for review DENIED.

1st Dist. In re LaKrista & Aondray P., Persons Coming  
A091165 Under the Juvenile Court Law  
Div. 5 -----  
S097231 Alameda County Social Services Agency, Respondent  
v.  
Krista S. and Aondray P. et al., Appellants  
Petition for review DENIED.

1st Dist. A091383 Div. 4 S097369	In re Rex H., a Person Coming Under the Juvenile Court Law ----- Napa County Dept. of Health and Human Services, Respondent v. Billie H., Appellant Petition for review DENIED.
1st Dist. A091557 Div. 5 S097291	People, Respondent v. Ronqui Kwame Allison, Appellant Petition for review DENIED.
1st Dist. A093108 Div. 2 S096236	Allie Sysco Food Services, Inc., et al., Petitioners v. Workers' Compensation Appeals Board and Brenda Norris, Respondents Petition for review DENIED.
1st Dist. A093906 Div. 4 S097328	Kern County Land Company et al., Petitioners v. San Francisco County Superior Court, Respondent Admiral Insurance Company et al., Real Parties in Interest Petition for review DENIED.
1st Dist. A094179 Div. 1 S097096	Michele B., Petitioner v. Del Norte County Superior Court, Respondent Social Services Department, et al., Real Parties in Interest Petition for review DENIED.
1st Dist. A094320 Div. 4 S096705	Stephen Browning, Petitioner v. Alameda County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
1st Dist. A094396 Div. 2 S096577	Antonio Allen et al., Petitioners v. Alameda County Superior Court, Respondent Federal Insurance Company et al., Real Parties in Interest Application for stay and petition for review DENIED.

1st Dist. In re Tejpal Singh Sandhu et al.  
A094456 on  
Div. 4 Habeas Corpus  
S097671 Petition for review DENIED.  
Mosk, J., and Kennard, J., are of the opinion the petition should  
be granted.

1st Dist. In re Bryant Harrison  
A094498 on  
Div. 4 Habeas Corpus  
S097075 Petition for review DENIED.

1st Dist. Michelle Lyn Michaud, Petitioner  
A094539 v.  
Div. 4 Alameda County Superior Court, Respondent  
S097371 People, Real Party in Interest  
Petition for review DENIED.

1st Dist. JMA Investments, et al., Petitioners  
A094588 v.  
Div. 4 San Mateo County Superior Court, Respondent  
S097161 Stan Teets, Real Party in Interest  
Petition for review DENIED.

1st Dist. Patricia McColm, Petitioner  
A094926 v.  
Div. 1 San Francisco County Superior Court, Respondent  
S097847 Lamax & Mike Corporation, Real Party in Interest  
Application for stay and petition for review DENIED.

1st Dist. Justin M. Jacobs, Jr. et al., Petitioners  
A095006 v.  
Div. 4 San Mateo County Superior Court, Respondent  
S098002 H. Roger Lawler, Real Party in Interest  
Application for stay and petition for review DENIED.

2nd Dist. Jane Coe, Appellant  
B107857 v.  
B108017 City of Los Angeles, Respondent  
Div. 1 Department of Social Services, Intervener and Respondent  
S097324 Petition for review DENIED.



2nd Dist. People, Respondent  
B109400 v.  
Div. 3 Juan Carlos Enriquez, Appellant  
S097331 Petition for review DENIED. (But see *People v. Jefferson*  
(1999) 21 Cal.4th 86, 102.)

2nd Dist. People, Respondent  
B122811 v.  
B122811 Randy Lee Journigan, Appellant  
Div. 1 Petition for review DENIED.  
S096936

2nd Dist. People, Respondent  
B128317 v.  
Div. 2 Elmo Bradford, Appellant  
S096436 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. Joanne Bragg, Appellant  
B130044 v.  
Div. 7 Hawthorne Savings & Loan Association, Respondent  
S096558 Petition for review DENIED.

2nd Dist. People, Respondent  
B131896 v.  
Div. 2 Travis Bone, Appellant  
S097198 Petition for review DENIED.

2nd Dist. People, Respondent  
B132511 v.  
Div. 2 Giovanni Leonard, Appellant  
S097200 Petition for review DENIED.

2nd Dist. City of Los Angeles et al., Appellants  
B134256 v.  
Div. 3 Hollywood Entertainment District II Business  
S096872 Improvement Dis et. Al., Respondents  
Petition for review DENIED.

2nd Dist. B135039 Div. 4 S097122	People, Respondent v. John Salazar, Appellant Petition for review DENIED.
2nd Dist. B136229 Div. 4 S097127	People, Respondent v. Joey Gastellum, Appellant Petition for review DENIED.
2nd Dist. B136447 Div. 3 S096646	People, Respondent v. Juan Enrique Corral et al., Appellants Petitions for review DENIED.
2nd Dist. B136523 Div. 2 S097241	People, Respondent v. Rodolfo Orozco, Appellant Petition for review DENIED.
2nd Dist. B136633 Div. 2 S097341	People, Respondent v. Eduardo Sandoval, Appellant Petition for review DENIED.
2nd Dist. B136802 Div. 7 S097098	People, Respondent v. Raymond Johnson, Appellant Petition for review DENIED.
2nd Dist. B137151 Div. 1 S096838	People, Respondent v. Walter Ramos et al., Appellants Petitions for review DENIED.
2nd Dist. B137178 Div. 6 S097191	People, Respondent v. Claudine Tissier Eubank, Appellant Petition for review DENIED.

2nd Dist. Jennifer O'Neill, Appellant  
B137951 v.  
Div. 3 Brian Kaufman et al., Respondents  
S097254 Petition for review DENIED.

2nd Dist. L.A. Recovery '95 Income Fund, Plaintiff and Appellant  
B138041 v.  
Div. 3 Brand/Broadway Partners, Ltd., Defendants and Respondents  
S096881 -----  
L.A. Recovery '95 Income Fund, etc., Plaintiff  
v.  
Fidelity Mortgage Trustee Service, etc. et al., Defendants  
Petition for review DENIED.

2nd Dist. Homes Savings of America, F.S.B., Appellant  
B138138 v.  
Div. 1 Continental Insurance Company, Respondent  
S096807 Petition for review DENIED.

2nd Dist. People, Respondent  
B138227 v.  
Div. 3 Vernell Dugan, Jr., Appellant  
S097117 Petition for review DENIED.

2nd Dist. People, Respondent  
B138427 v.  
Div. 5 Maurice Gamble, Appellant  
S097052 Petition for review DENIED.

2nd Dist. People, Respondent  
B138465 v.  
Div. 6 Adelfino Leon, Appellant  
S097129 Petition for review DENIED.

2nd Dist. People, Appellant  
B138521 v.  
Div. 1 Jose Alfonzo Guzman, Appellant  
S096748 Petition for review DENIED.

2nd Dist. People, Respondent  
B138638 v.  
Div. 1 Kevin Daniel Driscoll, Appellant  
S097273 Petition for review DENIED.

2nd Dist. People, Respondent  
B138700 v.  
B140119 Johnny Castro, Appellant  
Div. 5 Petition for review DENIED.  
S096645 Kennard, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent  
B138728 v.  
Div. 2 Terrence Michael Brady, Appellant  
S097322 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent  
B138771 v.  
Div. 6 Efren Escobedo, Appellant  
S097083 Petition for review DENIED.

2nd Dist. People, Respondent  
B138849 v.  
Div. 6 Edgar Bayardo Madriz, Appellant  
S097370 Petition for review DENIED.

2nd Dist. People, Respondent  
B138858 v.  
Div. 1 Michael L. White, Appellant  
S097151 Petition for review DENIED.

2nd Dist. William Stellar, Respondent  
B139233 v.  
Div. 2 Gallatin Medical Corporation, Appellant  
S096870 Petition for review DENIED.

2nd Dist. Mary Asta, Appellant  
B139331 v.  
Div. 5 Alamo Rent A Car Incorporated, Respondent  
S096694 Petition for review DENIED.

2nd Dist. Carolyn J. Bird, Respondent  
B139345 v.  
Div. 7 Linda Saba, Appellant  
S097142 Petition for review DENIED.  
The request for an order directing publication of the opinion is denied.

2nd Dist. People, Respondent  
B139357 v.  
B141415 William Dashan Jordan, Appellant  
Div. 3 -----  
S097166 In re William Dashan Jordan on Habeas Corpus  
Petition for review DENIED.

2nd Dist. People, Respondent  
B139421 v.  
Div. 4 Patrick L. Davis, Appellant  
S097262 Petition for review DENIED.

2nd Dist. People, Respondent  
B139439 v.  
Div. 6 Willie Quinn, Appellant  
S097870 Petition for review DENIED.

2nd Dist. People, Respondent  
B139630 v.  
Div. 5 Robert Joseph Williams, Appellant  
S097053 Petition for review DENIED.

2nd Dist. People, Respondent  
B139635 v.  
Div. 1 Alan Joseph McClure, Appellant  
S096857 Petition for review DENIED.

2nd Dist. People, Respondent  
B139687 v.  
Div. 1 Anthony Jerome Kennedy, Appellant  
S097121 Petition for review DENIED.

2nd Dist. People, Respondent  
B139855 v.  
Div. 1 Daniel E. Evangelisti, Appellant  
S097405 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent  
B139867 v.  
Div. 4 Taek Sang Yoon, Appellant  
S097149 Petition for review DENIED.

2nd Dist. People, Respondent  
B139933 v.  
Div. 6 Mary E. Bayles, Appellant  
S096553 Petition for review DENIED.

2nd Dist. People, Respondent  
B139935 v.  
Div. 1 Robert Salas, Appellant  
S096447 Petition for review DENIED.

2nd Dist. People, Respondent  
B140143 v.  
Div. 1 Riccardo Jackson, Appellant  
S096913 Petition for review DENIED.

2nd Dist. People, Respondent  
B140146 v.  
Div. 4 Anthony Kimo Graham, Appellant  
S096728 Petition for review DENIED.

2nd Dist. People, Respondent  
B140461 v.  
Div. 5 Phillip Plasencia, Jr., Appellant  
S096616 Petition for review DENIED.

2nd Dist. People, Respondent  
B140594 v.  
Div. 1 Jorge Gallardo Sanchez, Appellant  
S097540 Petition for review DENIED.

2nd Dist. B140598 Div. 5 S096888	People, Respondent v. Ramiro Guzman, Appellant Petition for review DENIED. The request for an order directing publication of the opinion is denied.
2nd Dist. B140707 Div. 7 S096962	In re Raymond A., a Person Coming Under the Juvenile Court Law ----- Los Angeles Dept. of Children & Family Svcs., Respondent v. Maria A., Appellant\ Petition for review DENIED.
2nd Dist. B140761 Div. 1 S097576	People, Respondent v. Gregory Thomas, Appellant Petition for review DENIED.
2nd Dist. B140768 Div. 1 S097171	People, Respondent v. Te Houston, Appellant Petition for review DENIED.
2nd Dist. B140882 Div. 5 S097031	People, Respondent v. Ricardo Olvera, Appellant Petition for review DENIED.
2nd Dist. B140916 Div. 5 S096790	NRG Barriers, Inc., Respondent v. Frederick R. Jelin, Appellant Petition for review DENIED.
2nd Dist. B140977 Div. 4 S096376	In re Robert B., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Robert B, Defendant and Appellant Petition for review DENIED.

2nd Dist. B140988 Div. 4 S097220	In re Kriss L., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Kris L., Appellant Petition for review DENIED.
2nd Dist. B141034 B146061 S097194	People, Respondent v. Harold Alfred, Appellant Petition for review DENIED.
2nd Dist. B141164 Div. 6 S097238	People, Respondent v. Khin Va Lai, Appellant Petition for review DENIED.
2nd Dist. B141167 Div. 4 S096954	People, Respondent v. Andres Brown, Appellant Petition for review DENIED.
2nd Dist. B141478 Div. 4 S097154	People, Respondent v. Wendell Dill, Petitioner Petition for review DENIED.
2nd Dist. B141493 Div. 5 S097000	People, Respondent v. Dale Cornelius Freeman, Appellant Petition for review DENIED.
2nd Dist. B141713 Div. 6 S097482	People, Respondent v. Cleveland L. Baker, Appellant Petition for review DENIED.
2nd Dist. B141987 Div. 6 S097418	People, Respondent v. Michael Frederick Peterson, Appellant Petition for review DENIED.



2nd Dist. B142262 Div. 6 S097411	In re Joellie C., a Person Coming Under the Juvenile Court Law ----- San Luis Obispo County Department of Social Services, Respondent v. Julie T., Appellant Petition for review DENIED.
2nd Dist. B142004 Div. 4 S097145	Eller Media Company, Appellant v. City of Los Angeles, Respondent Petition for review DENIED.
2nd Dist. B142111 Div. 2 S097378	People, Respondent v. Terrel D. Lemons, Appellant Petition for review DENIED.
2nd Dist. B142149 Div. 6 S097128	People, Respondent v. Jorge Contreras, Appellant Petition for review DENIED.
2nd Dist. B142599 Div. 5 S096971	People, Respondent v. Andre Maurice Butler, Appellant Petition for review DENIED.
2nd Dist. B142713 Div. 6 S097439	People, Respondent v. Evan Heath Brisbane, Appellant Petition for review DENIED.
2nd Dist. B142801 Div. 1 S097226	People, Respondent v. Joel Nunez, Appellant Petition for review DENIED.
2nd Dist. B142823 Div. 6 S097108	People, Respondent v. Richard W. Blume, Appellant Petition for review DENIED.

2nd Dist. B142923 Div. 1 S097223	People, Respondent v. Willie G. Cole, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
2nd Dist. B143177 Div. 5 S097018	People, Respondent v. Robert Valdez, Jr., Appellant Petition for review DENIED.
2nd Dist. B143204 Div. 3 S097263	People, Respondent v. Jose Castro, Appellant Petition for review DENIED.
2nd Dist. B143747 Div. 1 S097357	People, Respondent v. Larry Dondell Ridgeway, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted. Kennard, J., is of the opinion the petition should be granted.
2nd Dist. B144136 Div. 4 S097155	People, Respondent v. Norman Wiedner, Appellant Petition for review DENIED.
2nd Dist. B144145 Div. 4 S096945	People, Respondent v. Thomas C. Keyes, Appellant Petition for review DENIED.
2nd Dist. B145230 Div. 2 S097660	People, Respondent v. James Theodore Wicks, Appellant Petition for review DENIED.

2nd Dist. People, Respondent  
B145537 v.  
Div. 5 John David Frenchik, Appellant  
S097543 Petition for review DENIED.

2nd Dist. Stern Metals, Inc., Respondent  
B146476 v.  
Div. 5 Joseph Ash, Appellant  
S097197 Robert Guevara, Objector and Appellant  
Petition for review DENIED.  
George, C.J., did not participate.

2nd Dist. Esther De Alba, Petitioner  
B147773 v.  
Div. 6 Workers' Compensation Appeals Board and  
S097421 Santa Barbara Cottage Hospital, Respondents  
Petition for review DENIED.

2nd Dist. Sylvia R. Valencia, Petitioner  
B148247 v.  
Div. 4 Workers' Compensation Appeals Board et al., Respondents  
S097159 Petition for review DENIED.

2nd Dist. Lydia Chua Aguilera, M.D., Petitioner  
B148466 v.  
Div. 3 Los Angeles County Superior Court et al., Respondents  
S096800 Petition for review DENIED.

2nd Dist. Elliott York, Petitioner  
B148605 v.  
Div. 2 Workers' Compensation Appeals Board, et al., Respondents  
S097395 Petition for review DENIED.

2nd Dist. Time Warner Entertainment Company, L.P., et al., Petitioners  
B149102 v.  
Div. 7 Los Angeles County Superior Court, Respondent  
S096981 Citizens for Fair Treatment, Inc., Real Party in Interest  
Petition for review DENIED.  
Application for stay denied.  
George, C.J., and Brown, J., did not participate.

2nd Dist. In re David A. Vital  
B149127 on  
Div. 6 Habeas Corpus  
S097186 Petition for review DENIED.

2nd Dist. In re Jerry Alton Milner  
B149181 on  
Div. 5 Habeas Corpus  
S097101 Petition for review DENIED.

2nd Dist. Imasco Holdings Incorporated, Petitioner  
B149182 v.  
Div. 7 Los Angeles County Superior Court, Respondent  
S097085 Cook Ranch Associates, Real Party in Interest  
Petition for review DENIED.  
The requests for judicial notice are denied.  
George, C.J., did not participate.

2nd Dist. Beverly Health and Rehabilitation Services, Inc., Petitioner  
B149217 v.  
Div. 6 Santa Barbara County Superior Court, Respondent  
S097392 Adela Radle, Real Party in Interest  
Petition for review DENIED.

2nd Dist. Twentieth Century Fox Film Corporation, Petitioner  
B149243 v.  
Div. 7 Los Angeles County Superior Court, Respondent  
S096977 Citizens for Fair Treatment, Inc., Real Party in Interest  
Petition for review DENIED.  
Application for stay denied.  
George, C.J., and Brown, J., did not participate.

2nd Dist. Beverly Health, Petitioner  
B149252 v.  
Div. 6 Santa Barbara County Superior Court, Respondent  
S097415 Raymond Romero, etc. et al., Real Parties in Interest  
Petition for review DENIED.

2nd Dist. Beverly Health and Rehabilitation Services, Inc., Petitioner  
B149253 v.  
Div. 6 Santa Barbara County Superior Court, Respondent  
S097401 Frankie Williams, Real Party in Interest  
Petition for review DENIED.

2nd Dist. Beverly Health and Rehabilitation, Petitioner  
B149254 v.  
Div. 6 Santa Barbara County Superior Court, Respondent  
S097417 James Clark, Real Party in Interest  
Petition for review DENIED.

2nd Dist. Beverly Health and Rehabilitation Services, Inc., Petitioner  
B149259 v.  
Div. 6 Santa Barbara County Superior Court, Respondent  
S097397 Doris Sleeth, et al., Real Parties in Interest  
Petition for review DENIED.

2nd Dist. Golden State Medical Supply, Inc., Petitioner  
B149467 v.  
Div. 7 Los Angeles County Superior Court, Respondent  
S097384 Clarkson, Gore & Marsella, Real Party in Interest  
Petition for review DENIED.

2nd Dist. In re Carlos Mauricio Farfan  
B150224 on  
Div. 3 Habeas Corpus  
S098018 Petition for review DENIED.

3rd Dist. People, Respondent  
C028900 v.  
S097163 Richard Manuel Burgos, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C029743 v.  
S096696 Irma Diaz Harris, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C029770 v.  
S097545 Leo King Parker III, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C030911 v.  
S097063 Rick Benjamin Sillman, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C030938 v.  
S096797 Reginald Bowers, Appellant  
Petition for review DENIED.

3rd Dist. People, Respondent  
C031079 v.  
S097321 Truman Broadnax, Appellant  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent  
C032002 v.  
S096761 Michael Brown III et al., Appellants  
Petitions for review DENIED.

3rd Dist. People, Respondent  
C032283 v.  
S097342 David Darrell Rucker, Appellant  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. Seferina Garcia, Appellant  
C032796 v.  
S096835 County of San Joaquin et al., Respondents  
Petition for review DENIED.  
The request for an order directing partial publication of the  
opinion is denied.

3rd Dist. C033155 S097242	People, Respondent v. Bradley James Miller, Appellant Petition for review DENIED.
3rd Dist. C033233 C033310 S096759	People, Respondent v. Everett Roy Hill, Appellant Petition for review DENIED.
3rd Dist. C033513 S096733	People, Appellant v. Bradford Redd Strong, Respondent Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
3rd Dist. C033675 S097388	People, Respondent v. Larry Ervin Lyda, Appellant Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
3rd Dist. C033820 S097349	People, Respondent v. Cynthia Marie Sandoval, Appellant Petition for review DENIED.
3rd Dist. C033859 S096989	People, Respondent v. Antonio Arias, Appellant Petition for review DENIED.
3rd Dist. C034155 S096399	People, Respondent v. Ernest Glenn V., Appellant Petition for review DENIED.
3rd Dist. C034309 S097025	People, Respondent v. Augustin Perez Lopez, Appellant Petition for review DENIED.

3rd Dist. C034546 S096769	People, Respondent v. Naomi Kimberly Heater, Appellant Petition for review DENIED.
3rd Dist. C035020 S097650	People, Respondent v. Gordon Wayne Stout, Appellant Petition for review DENIED.
3rd Dist. C035048 S097425	People, Respondent v. Benson Robert Neal, Jr., Appellant Petition for review DENIED.
3rd Dist. C035233 S097483	People, Plaintiff and Appellant v. James Jermaine Cummings, Defendant and Appellant Petition for review DENIED.
3rd Dist. C035842 S097412	In re Vincent P., a Person Coming Under the Juvenile Court Law ----- Department of Health and Human Services, Respondent v. Roshni P., Appellant Petition for review DENIED.
3rd Dist. C036690 S097005	People, Respondent v. Myron Keith Watts, Appellant Petition for review DENIED.
3rd Dist. C036723 S097502	Redding Rancheria, Petitioner v. Shasta County Superior Court, Respondent Suzanne Hansard, Real Party in Interest Petition for review DENIED.



3rd Dist.      Betsy Ellis-Moore, Petitioner  
C037725      v.  
S097162      Workers' Compensation Appeals Board, et al., Respondents  
                Petition for review DENIED.

3rd Dist.      In re Steven Adams  
C037834      on  
S096480      Habeas Corpus  
                Petition for review DENIED.

3rd Dist.      Dale E. Robinson, Petitioner  
C038056      v.  
S096955      Sacramento County Superior Court, Respondent  
                People, Real Party in Interest  
                Petition for review DENIED.

3rd Dist.      Benyam Berhane Kidane, Petitioner  
C038148      v.  
S097419      Yolo County Superior Court, Respondent  
                People, Real Party in Interest  
                Petition for review DENIED.

3rd Dist.      Linda L. Tabarez, Petitioner  
C038311      v.  
S097788      Sacramento County Superior Court, Respondent  
                Kaiser Hospital et al., Real Parties in Interest  
                Application for stay and petition for review DENIED.  
                Werdegar, J., did not participate.

3rd Dist.      In re Carl H. Andersen  
C038377      on  
S098080      Habeas Corpus  
                Application for stay and petition for review DENIED.

4th Dist.      People, Respondent  
D033165      v.  
Div. 1      Christina Sua, Appellant  
S096444      Petition for review DENIED.

4th Dist. D033847 Div. 1 S096664	People, Respondent v. Michael D. Slovik, Appellant Petition for review DENIED.
4th Dist. D033928 Div. 1 S097015	People, Respondent v. Ronny Michael Mendoza, Appellant Petition for review DENIED.
4th Dist. D034285 Div. 1 S096974	People, Respondent v. Eugene Protsman, Appellant Petition for review DENIED. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed March 13, 2001, which appears at 88 Cal.App.4th 509. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)
4th Dist. D034520 Div. 1 S097451	People, Respondent v. Ronald William Bailey, Appellant Petition for review DENIED.
4th Dist. D034535 Div. 1 S097311	Jack W. Swain, et al., Plaintiffs, Cross-complainant & Respondents v. Jean Leonard Harris, Defendant, Cross-defendant & Appellant And Companion Case Petition for review DENIED.
4th Dist. D034662 Div. 1 S096803	Jan Richard Anton, Appellant v. James R. Olson, et al., Respondents Petition for review DENIED.
4th Dist. D034678 Div. 1 S096707	Frank E. Ferreira, Appellant v. Gray, Cary, Ware & Freidenrich et al., Respondents Petition for review DENIED.

4th Dist. People, Respondent  
D034731 v.  
Div. 1 Adrian Romero et al., Appellants  
S097325 Petitions for review DENIED.

4th Dist. People, Respondent  
D034746 v.  
Div. 1 Azrall Arwan Ford, Appellant  
S097179 Petition for review DENIED.

4th Dist. Thomas H. Kline, Appellant  
D035248 v.  
Div. 1 Bryan Turner et al., Respondents  
S097352 Petition for review DENIED.

4th Dist. People, Respondent  
D035367 v.  
Div. 1 Morgan Knight, Appellant  
S097218 Petition for review DENIED.

4th Dist. People, Respondent  
D035650 v.  
Div. 1 Tommy Love, Jr., Appellant  
S097721 Petition for review DENIED.

4th Dist. People, Respondent  
D035761 v.  
Div. 1 Manuel Ouela Vaques, Appellant  
S097046 Petition for review DENIED.

4th Dist. In re Amaya S., a Person Coming Under the Juvenile Court Law  
D035917 -----  
Div. 1 San Diego Health and Human Services Agency, Respondent  
S097034 v.  
Chad S., Appellant  
Petition for review DENIED.

4th Dist. Jean Urias, et al., Appellants  
D035921 v.  
Div. 1 Palma J. Lewis, et al., Respondents  
S097290 Petition for review DENIED.

4th Dist. Larry Barker, Appellant  
D036107 v.  
Div. 1 Brown & Williamson Tobacco Corporation, Respondent  
S097404 Petition for review DENIED.

4th Dist. People, Respondent  
D036448 v.  
Div. 1 Felipe Verde Lopez, Appellant  
S096640 Petition for review DENIED.

4th Dist. Lifetime Memory Products, Plaintiff and Appellant  
D036450 v.  
Div. 1 Century Indemnity Company, et al., Defendants and Appellants  
S097245 Petition for review DENIED.  
George, C.J., did not participate.

4th Dist. People, Plaintiff and Cross-defendant  
D036507 v.  
Div. 1 Michael Duan Wilkens, Defendant and Appellant  
Petition for review DENIED.

4th Dist. William J. Randall, Appellant  
D036508 v.  
Div. 1 Jenny Scovis et al., Respondents  
S096816 Petition for review DENIED.  
Kennard, J., is of the opinion the petition should be granted.  
The Reporter of Decisions is directed not to publish in the  
Official Appellate Reports the opinion in the above-entitled appeal,  
filed March 5, 2001, which appears at 87 Cal.App.4th 631. (Cal.  
Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

4th Dist. Adam Elisalda, Appellant  
D036829 v.  
Div. 1 Univision Network Limited Partnership, Respondent  
S097301 Petition for review DENIED.

4th Dist. Maria Sanchez-Delgado, Petitioner  
D037364 v.  
Div. 1 Workers' Compensation Appeals Board et al., Respondents  
S096947 Petition for review DENIED.

4th Dist. E025751 Div. 2 S096932	People, Respondent v. Joseph Scott Watson, Appellant Petition for review DENIED.
4th Dist. E026145 Div. 2 S096953	People, Respondent v. Jeffrey Thomas, Appellant Petition for review DENIED.
4th Dist. E026288 Div. 2 S097123	People, Respondent v. Ray Tyrone Rawlings, Appellant Petition for review DENIED.
4th Dist. E026380 Div. 2 S097135	People, Respondent v. Jose Manuel Gonzalez, Appellant Petition for review DENIED.
4th Dist. E026443 Div. 2 S097100	People, Respondent v. Cornelious Woods, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
4th Dist. E026462 Div. 2 S096497	People, Respondent v. David Norman Crothers, Appellant Petition for review DENIED.
4th Dist. E026598 Div. 2 S096540	People, Respondent v. Guillermo Memo Hernandez, Appellant Petition for review DENIED.
4th Dist. E026717 Div. 2 S096958	People, Respondent v. Mark Steven Vanleer, Appellant Petition for review DENIED.

4th Dist. E027124 Div. 2 S096599	Barratt American Incorporated, Appellant v. City of Corona, et al., Respondents Petition for review DENIED.
4th Dist. E027132 Div. 2 S097116	People, Respondent v. Susan Troester Riegel, Appellant Petition for review DENIED.
4th Dist. E027134 Div. 2 S097178	People, Respondent v. Ariel Ramirez, Jr., Appellant Petition for review DENIED.
4th Dist. E027150 Div. 2 S097202	People, Respondent v. Dewwhite Lamar Menefee, Appellant Petition for review DENIED.
4th Dist. E027251 Div. 2 S097072	People, Respondent v. Sami McNeil, Appellant Petition for review DENIED.
4th Dist. E027479 Div. 2 S097078	People, Respondent v. Jesus Ceja, Appellant Petition for review DENIED.
4th Dist. E027754 Div. 2 S097300	People, Respondent v. Ronnie Mendez Acosta, Appellant Mosk, J., is of the opinion the petition should be granted.
4th Dist. E028011 Div. 2 S097258	People, Respondent v. Ruben Daniel Sanchez, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.

4th Dist. Dennis P. Zentil, Petitioner  
E028545 v.  
Div. 2 Riverside County Superior Court, Respondent  
S096510 A.J. Nejedly, et al., Real Parties in Interest  
Petition for review DENIED.

4th Dist. James W. Braswell, Petitioner  
E028972 v.  
Div. 2 San Bernardino County Superior Court, Respondent  
S096340 Theresa Downing, Real Party in Interest  
Petition for review DENIED.

4th Dist. Billy Dee Botley, Petitioner  
E029138 v.  
Div. 2 Riverside County Superior Court, Respondent  
S096692 People, Real Party in Interest

4th Dist. Luis Carlos Bravo, Petitioner  
E029146 v.  
Div. 2 Riverside County Superior Court, Respondent  
S096779 People, Real Party in Interest  
Petition for review DENIED.

4th Dist. People, Respondent  
G023956 v.  
Div. 3 Julian Albert Villa, Appellant  
S097390 Petition for review DENIED.

4th Dist. People, Respondent  
G024175 v.  
Div. 3 Carlos Dominguez, Appellant  
S096911 Petition for review DENIED.

4th Dist. People, Respondent  
G025984 v.  
Div. 3 Joseph Lynch, Appellant  
S097487 Petition for review DENIED.

4th Dist. Antonio Valadez, Appellant  
G026958 v.  
Div. 3 Kwan Tan, M.D., Respondent  
S096933 Petition for review DENIED.

4th Dist. National Chiropractic Council, Inc., et al., Respondents  
G027077 v.  
Div. 3 Homestead Insurance Company, Inc., Appellant  
S096698 Petition for review DENIED.

4th Dist. People, Respondent  
G027260 v.  
Div. 3 Howard Perry, Appellant  
S097356 Petition for review DENIED.

4th Dist. Florence Bolter et al., Petitioners  
G027378 v.  
Div. 3 Orange County Superior Court, Respondent  
S096882 Harris Research, Inc., Real Party in Interest  
Petition for review DENIED.  
Baxter, J., did not participate.

4th Dist. In re Keyon W., a Person Coming Under the Juvenile Court Law  
G027435 -----  
Div. 3 Orange County Social Services Agency, Respondent  
S096827 v.  
Quanonda B., Appellant  
Petition for review DENIED.

4th Dist. In re Michael John Ladigo  
G028253 on  
Div. 3 Habeas Corpus  
S097504 Petition for review DENIED. (*In re Azurin* (2001) 87  
Cal.App.4th 20.)

4th Dist. In re Keyon W.  
G028534 on  
Div. 3 Habeas Corpus  
S096828 Petition for review DENIED.



4th Dist. IBP, Inc., et al., Petitioners  
G028577 v.  
Div. 3 Workers' Compensation Appeals Board et al., Respondents  
S097516 Petition for review DENIED.

4th Dist. Dung Anh Trinh, Petitioner  
G028764 v.  
Div. 3 Orange County Superior Court, Respondent  
S096515 People, Real Party in Interest  
Petition for review DENIED.

4th Dist. Kenneth R. Barwick, Petitioner  
G028875 v.  
Div. 3 Orange County Superior Court, Respondent  
S096941 Kathleen M. Courtney, Real Party in Interest  
Petition for review DENIED.

5th Dist. People, Respondent  
F023501 v.  
S096418 Jeffrey Conrad Spradlin et al., Appellants  
Petitions for review DENIED.  
Mosk, J., is of the opinion review should be granted.  
Baxter, J., did not participate.

5th Dist. People, Respondent  
F030753 v.  
S096623 Daniel Jess Henderson, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F032185 v.  
S096770 Frederick D. Westlund, Appellant  
Petition for review DENIED.  
Baxter, J., did not participate.

5th Dist. People, Respondent  
F032204 v.  
S097255 Anthony Audelo, Appellant  
Petition for review DENIED.

5th Dist. F032893 S097503	People, Respondent v. Sheldon Antonio Price, Appellant Petition for review DENIED.
5th Dist. F033080 S097428	People, Respondent v. Severino Ruiz, Appellant Petition for review DENIED.
5th Dist. F033147 S097011	People, Respondent v. James Quantrelle Lozier, et al., Defendants and Appellants Petition for review DENIED.
5th Dist. F033188 S097168	People, Respondent v. Edward Ruffa, Appellant Petition for review DENIED.
5th Dist. F033330 S097229	People, Respondent v. George Wilson McGowen, et al., Appellants Petition for review DENIED.
5th Dist. F033554 F035886 S096500	People, Respondent v. Juan Tovar Padilla, Appellant ----- In re Juan Tovar Padilla on Habeas Corpus Petition for review DENIED.
5th Dist. F033591 S097282	People, Respondent v. Hector Ramirez, Sr., Appellant Petition for review DENIED.
5th Dist. F033756 S097148	People, Respondent v. Steven Woods, Appellant Petition for review DENIED.

5th Dist. People, Respondent  
F033999 v.  
S097310 Marvin Eugene Harris, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034553 v.  
S097343 Curtis Owens, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034556 v.  
S097346 Rafael Vasquez, Appellant  
Petition for review DENIED.  
Baxter, J., did not participate.

5th Dist. People, Respondent  
F034610 v.  
S097188 Ronald Eugene Ricks, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034686 v.  
S097206 Peter Paul Mascorro, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034687 v.  
S096951 Kenneth Ray Knight, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034839 v.  
S097297 Gilbert Lorta, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034962 v.  
S097452 Porfirio Alvarado Rojo, Appellant  
Petition for review DENIED.

6th Dist. H019573 S096512	People, Respondent v. Andrew Brooks, Appellant Petition for review DENIED.
6th Dist. H019733 S096672	People, Respondent v. Gregory Lynn Colbert, Appellant Petition for review DENIED.
6th Dist. H020088 S096985	People, Respondent v. Daniel Anthony Pennella, Appellant Petition for review DENIED.
6th Dist. H020311 S096699	Ajida Technologies Incorporated, Respondent v. Roos Instruments Incorporated, Appellant Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
6th Dist. H020327 S096475	Angela Moreno Gonzalez, Respondent v. California Department of Motor Vehicles, Appellant Petition for review DENIED.
6th Dist. H020434 S097102	In re Juan V., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Juan V., Appellant Petition for review DENIED.
6th Dist. H020544 S096898	People, Respondent v. Jaime Cardenas Cen, Appellant Petition for review DENIED.

6th Dist. People, Respondent  
H020562 v.  
S097195 Keith Raul Wilson, Appellant  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

6th Dist. People, Respondent  
H020581 v.  
S096457 John Lee Lopez, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020675 v.  
S097024 Mark Joseph Barbic, Appellant  
Petition for review DENIED.

6th Dist. Santa Clara County Correctional Peace Officers Assoc., Inc.,  
H020747 Appellant  
S097204 v.  
Board of Supervisors, County of Santa Clara, et al., Respondents  
Petition for review DENIED.

6th Dist. People, Respondent  
H020798 v.  
S096982 Dominic Ronald Feliciano, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020859 v.  
S097030 Elizabeth Michelle Blado, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H021360 v.  
S097720 Emmett Harper, Appellant  
Petition for review DENIED.

6th Dist. In re Carmine W., a Person Coming Under the Juvenile Court Law  
H021634 -----  
S097019 Santa Cruz County Human Resources Agency, Respondent

v.  
Carmine B., Appellant  
Petition for review DENIED.

6th Dist. In re Jaime Cardena Cen  
H022021 on  
S096893 Habeas Corpus  
Petition for review DENIED.

6th Dist. In re Ashley M., et al., Persons Coming Under the  
H022209 Juvenile Court Law  
S097474 -----  
Santa Clara County Dept. of Family & Children Svcs., Respondent  
v.  
Lawrence M., Appellant  
Petition for review DENIED.

6th Dist. In re Frank M. Nicol  
H022302 on  
S096300 Habeas Corpus  
Petition for review DENIED.

6th Dist. Tresa Leth et al., Petitioners  
H022572 v.  
S096437 Santa Clara County Superior Court, Respondent  
International Business Machines Corporation, Real Party in Interest  
Petition for review DENIED.  
Mosk, J., and Kennard, J., are of the opinion the petition should  
be granted.  
Baxter, J., and Chin, J., did not participate.  
Hon. Daniel J. Kremer, Presiding Justice, Court of Appeal,  
Fourth Appellate District, Division One, and Hon. Daniel Kolkey,  
Associate Justice, Court of Appeal, Third Appellate District,  
assigned by the Chief Justice, participated.

6th Dist. In re Ronald K. Mauzey  
H022608 on  
S097094 Habeas Corpus  
Petition for review DENIED.

6th Dist.      Avant! Corporation et al., Petitioners  
H022679      v.  
S096814      Santa Clara County Superior Court, Respondent  
People, Real Party in Interest  
Petition for review DENIED.  
The request to augment the record is denied.  
George, C.J., did not participate.

6th Dist.      Pedro Gudiel Marcial, Petitioner  
H022702      v.  
S097413      Santa Cruz County Superior Court, Respondent  
People, Real Party in Interest  
Petition for review DENIED.

1st Dist.      Sife, Inc., Appellant  
A090338      v.  
A090338      David R. Lopez et al., Respondents  
Div. 3      The request for an order directing publication of the opinion in  
S096742      the above-entitled appeal is denied.

1st Dist.      People, Respondent  
A090565      v.  
Div. 2      Robert Brewer, Appellant  
S097454      The request for an order directing depublication of the opinion in  
the above-entitled appeal is denied.

2nd Dist.      Verdugo Mesa Corporation, etc., et al., Appellants  
B138554      v.  
Div. 3      Yvonne Sartiaguda, Respondent  
S097032      The request for an order directing publication of the opinion in  
the above-entitled appeal is denied.

2nd Dist.      Levi Marie Romo, Appellant  
B138976      v.  
Div. 3      Presbyterian Intercommunity Hospital, Respondent  
S097050      The request for an order directing publication of the opinion in  
the above-entitled appeal is denied.

- 2nd Dist. Congress of California Seniors et al., Appellants  
B140639 v.  
Div. 1 Catholic Healthcare West et al., Respondents  
S097082 The requests for an order directing depublication of the opinion  
in the above-entitled appeal are denied.
- 2nd Dist. In re Andrew M., a Person Coming Under the Juvenile Court Law  
B142299 -----  
Div. 5 Los Angeles Dept. of Children & Family Svcs., Respondent  
S097022 v.  
Rosalinda M., Appellant  
The request for an order directing publication of the opinion in  
the above-entitled appeal is denied.
- 5th Dist. Sukhvinder Ghuman et al., Appellants  
F032240 v.  
S097144 Chai O. Gan et al., Respondents  
The request for an order directing publication of the opinion in  
the above-entitled appeal is denied.
- S034473 People, Respondent  
v.  
Christian Antonio Monterroso, Appellant  
The motion of respondent for relief from default to file  
respondent's brief is granted. On application of respondent and  
good cause appearing, it is ordered that the time to serve and file  
respondent's brief is extended to and including August 6, 2001.
- S049741 People, Respondent  
v.  
William Lester Suff, Appellant  
In light of Deputy State Public Defender Jeffrey Gale's  
representation that he anticipates filing the record correction motion  
within the requested period of extension, the application of appellant  
for an extension of time to file a request for correction of the record  
is extended to and including August 10, 2001.  
No further extensions of time are contemplated.  
Counsel for appellant is ordered to serve a copy of the record  
correction motion on the Supreme Court its upon filing in the trial  
court.



S093875      In re Jeffrey Price  
                 on  
                 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the informal response is extended to and including June 22, 2001.

S094490      People, Respondent  
                 v.  
                 Myron Carlyle Mower, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including June 28, 2001.

S095213      Betty Jean Myers, Appellant  
                 v.  
                 Phillip Morris Incorporated et al., Respondents

On application of respondents (appellees) and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including July 20, 2001.

S096524      Dan Esberg, Appellant  
                 v.  
                 Union Oil Company of California, Appellant  
                 Jeff Winston et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including August 15, 2001.

S016883      People, Respondent  
                 v.  
                 Jarvis Masters, Appellant

Appellant's 'Motion for Record Order' is granted in part and denied in part.

Good cause appearing therefor, the motion is granted in the following respect:

The Clerk is directed to transmit to appellant's counsel a copy of the following portions of the reporter's transcript herein:

(1) "Second Augmentation to the Reporter's Transcript on Appeal/ December 20, 1985."

(2) "Second Augmentation to the Reporter's Transcript on

Appeal/ January 6, 1986.”

(3) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 7, 1986.”

(4) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 17, 1986.”

(5) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 27, 1986.”

(6) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 30, 1986.”

(7) “Second Augmentation to the Reporter’s Transcript on Appeal/ February 4, 1986/February 5, 1986.”

(8) “Second Augmentation to the Reporter’s Transcript on Appeal/ February 21, 1986/10:00 a.m. to 7:30 p.m./Volume I.”

(9) “Second Augmentation to the Reporter’s Transcript on Appeal/ February 21, 1986/1:30 o’clock p.m./Volume II.”

(10) “Second Augmentation to the Reporter’s Transcript on Appeal/ July 22, 1986.”

(11) “Second Augmentation to the Reporter’s Transcript on Appeal/ September 16, 1986.”

(12) “Second Augmentation to the Reporter’s Transcript on Appeal/ September 18, 1986.”

(13) “Second Augmentation to the Reporter’s Transcript on Appeal/ September 26, 1986.”

(14) “Second Augmentation to the Reporter’s Transcript on Appeal/ October 20, 1986.”

(15 ) “Second Augmentation to the Reporter’s Transcript on Appeal/ October 22, 1986.”

(16 ) “Second Augmentation to the Reporter’s Transcript on Appeal/ October 24, 1986.”

(17 ) “Second Augmentation to the Reporter’s Transcript on Appeal/ December 18, 1986.”

(18) “Second Augmentation to the Reporter’s Transcript on Appeal/ December 19, 1986.”

(19) “Second Augmentation to the Reporter’s Transcript on Appeal/ December 29, 1986.”

(20) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 2, 1987.”

(21) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 6, 1987.”

(22) “Second Augmentation to the Reporter’s Transcript on

Appeal/ January 12, 1987.”

(23) “Second Augmentation to the Reporter’s Transcript on Appeal/ January 21, 1987.”

(24) “Second Augmentation to the Reporter’s Transcript on Appeal/ February 4, 1987.”

(25) “Second Augmentation to the Reporter’s Transcript on Appeal/ February 5, 1987.”

(26) “Second Augmentation to the Reporter’s Transcript on Appeal/ April 23, 1987.”

(27) “Pre-trial/Motions/Reporter’s Transcript on Appeal/ February 3, 1988/Afternoon Session.”

(28) “Pre-trial/Motions/Reporter’s Transcript on Appeal/ May 27, 1988.”

(29) “Pre-trial Motions/Reporter’s Transcript on Appeal/ August 8, 1988/Volume 1.”

(30) “Pre-trial Motions/Reporter’s Transcript on Appeal/ August 9, 1988/Volume II.”

(31) “Pre-trial Motions/Reporter’s Transcript on Appeal/ August 10, 1988/Volume III.”

(32) “Pre-trial Motions/Reporter’s Transcript on Appeal/ August 15, 1988/Volume IV.”

(33) “Reporter’s Transcript on Appeal/December 12, 1988.”

(34) “Reporter’s Transcript on Appeal/February 7, 1989.”

(35) “Reporter’s Transcript on Appeal/March 15, 1990.”

(36) “Reporter’s Transcript on Appeal/March 16, 1990.”

(37) “Reporter’s Transcript on Appeal/Volume 83 A/April 5, 1990.”

In all other respects, the motion is denied.

S041008 People, Respondent

v.

Jaime Alvarado Hoyos, Appellant

Appellant’s “motion for order to augment the record on appeal, and to lift the protective order banning contact with jurors without prior court order,” filed January 23, 2001, is denied without prejudice to appellant’s (1) requesting copies of exhibits for his own use from the superior court and requesting transmission of exhibits pursuant to California Rules of Court, rule 10(d); and (2) moving in this court to augment the record to include the sealed juvenile

records, which motion shall include a specific explanation of what the records are, why the superior court erred in not including them, and why they are properly part of the appellate record. (Cal. Rules of Court, rules 12(a), 39.51(a)(1).)

S045982

People, Respondent

v.

Johnny Avila, Jr., Appellant

Appellant's "Motion for Modification and/or Reversal of Portions of Trial Court's Order (As Amended) Regarding Correction of Transcripts on Appeal," filed June 13, 2000 (Motion), "Addendum" to the Motion, filed July 10, 2000 (Addendum), and "Second Addendum" to the Motion, filed May 9, 2001 (Second Addendum), have been read and considered. The Motion, Addendum, and Second Addendum are granted insofar as they request inclusion of the following items as part of the "entire record" (Cal. Rules of Court, rule 39.51) in "the case" (*id.*, subd. (a)(1), (2)), and the record is hereby ordered augmented to include such items (*id.*, rule 12(a)):

(1) All documents filed or lodged, and transcripts of all oral proceedings, in the municipal or superior courts pertaining to the joint murder guilt trial of appellant Johnny Avila, and codefendants Richard Avila and Jeffrey Spradlin, whether or not such matters relate specifically to appellant, and whether or not appellant and his counsel have had access to such documents or transcripts or were present at such proceedings; and

(2) Transcripts of any proceedings pertaining to post-trial access to jurors by representatives of the three murder codefendants.

The superior court shall expeditiously cause supplemental clerk's and reporter's transcripts, containing any and all such items which were omitted from the record heretofore certified and transmitted by the superior court, to be prepared, certified, and transmitted to this court as an augmentation to the record. Documents filed under seal, and the transcripts of in camera proceedings from which one or more parties were excluded, shall be transmitted under seal, and copies shall be provided only to counsel for those parties to whom the documents relate, or who were present at the proceedings. (See Cal. Rules of Court, rule 39.51(b).) Upon certification and transmittal of the augmentation, appellant may seek from this court access to, or the unsealing of, such sealed materials.

Notwithstanding the foregoing, the supplemental transcripts

comprising the augmentation shall not include trial exhibits, which are automatically part of the record, but shall be physically transmitted to the reviewing court only as specifically requested by a party or the reviewing court (Cal. Rules of Court, rule 10(d)).

The Motion, Addendum, and Second Addendum are denied insofar as they seek inclusion, as part of the record in appellant's case, of (1) the record of the separate proceedings involving alleged victim Spring Jackson, Fresno County Superior Court No. 449172-6; (2) the records in separate proceedings against Ray Juarez, Frank Rodriguez, and Michael Rojas; and (3) except as otherwise indicated herein, items pertaining to the separate penalty trials of codefendants Richard Avila and Jeffrey Spradlin, including the probation and sentencing reports prepared for these codefendants.

Appellant's request to stay, pending completion of the augmentation herein ordered, the filing in this court of the record heretofore certified and transmitted by the superior court is denied. In the event that matters set forth in the augmentation raise additional issues on appeal, appropriate provision will be made for the briefing of such issues.

In all other respects, the Motion, Addendum, and Second Addendum are denied.

S089463      In re Dennis Harold Lawley  
                    on  
                    Habeas Corpus

The “Request for Disclosure of Records (Penal Code section 987.9),” filed in this court by the Attorney General on November 17, 2000, is granted.

S004707 People, Respondent  
Crim. v.  
25218 Andeson Hawthorne, Jr., Appellant

As the “Application to Admit [Deputy Federal Public Defender] Grace Jendrasiak McLean Pro Hac Vice” acknowledges, McLean is ineligible to appear as counsel pro hac vice under rule 983(a) of the California Rules of Court because she is a resident of California and is regularly employed in this state. Insofar as the application seeks an order granting permission to argue in a particular case pursuant to rule 983(e), the application is denied without prejudice, and may be refiled at a later date when there is a cause pending before this court.

S006938 People, Respondent

v.

Dennis Duane Webb, Appellant

As the “Application to Admit [Deputy Federal Public Defender] Scott T. Johnson Pro Hac Vice” acknowledges, Johnson is ineligible to appear as counsel pro hac vice under rule 983(a) of the California Rules of Court because he is a resident of California and is regularly employed in this state. Insofar as the application seeks an order granting permission to argue in a particular case pursuant to rule 983(e), the application is denied without prejudice, and may be refiled at a later date when there is a cause pending before this court.

S009038 People, Respondent

v.

Richard Dean Turner, Appellant

The application of lead appointed counsel Thomas L. Riordan for permission to withdraw as attorney of record for appellant Richard Dean Turner on his automatic appeal and related state habeas corpus/executive clemency proceedings, and “substitute in” associate appointed counsel Robert M. Sanger, filed February 21, 2001, is denied without prejudice, subject to the filing of new and different application to withdraw after the filing of the appellant’s opening brief and associate counsel Sanger’s filing of a request to be designated as lead counsel of record.

S056425 People, Respondent

v.

Richard Allen Davis, Appellant

Upon request of appellant for appointment of counsel, Phillip H. Cherney is hereby appointed to represent appellant Richard Allen Davis for both the direct appeal and related state habeas corpus/executive clemency proceedings in the above automatic appeal now pending in this court.

S090710 People, Respondent

2nd Dist.

v.

B130967

Naasir A. Talibdeen, Appellant

Div. 5

Laura P. Gordon’s request to be relieved as appointed counsel is granted.

The order appointing Laura P. Gordon as counsel of record for

appellant Naasir A. Talibdeen, filed November 29, 2000, is hereby vacated.

The California Appellate Project/Los Angeles is hereby appointed as counsel for appellant Naasir A. Talibdeen, and the time to serve and file appellant's opening brief is hereby extended to and including July 13, 2001.

S096233 People, Respondent

v.

Werner Keller, Appellant

Upon request of appellant for appointment of counsel, George Benton is hereby appointed to represent appellant on his appeal now pending in this court.

S096583 People, Respondent

v.

Christopher Daniel Burgess, Appellant

Upon request of appellant for appointment of counsel, Victor J. Morse is hereby appointed to represent appellant on his appeal now pending in this court.

S094639 In re **David Morton Shell** on Discipline

Petition for writ of review denied.

It is ordered that **David Morton Shell, State Bar No. 85818**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be actually suspended for 30 days as recommended by the Hearing Department of the State Bar Court in its decision filed on October 17, 2000; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct.

It is further ordered that respondent take and pass the Multistate

Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S095190 In re **Alan Wayne Johnson** on Discipline

Petition for Writ of Review Denied.

It is ordered that **Alan Wayne Johnson, State Bar No. 149396**, be suspended from the practice of law in the State of California for five years; that execution of the five-year suspension be stayed; and that Johnson be placed on probation for five years on the conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on October 26, 2000, including the condition that Johnson be actually suspended from the practice of law during the first two years of his probation and until he (1) makes restitution to Guy Robinson, or the Client Security Fund if it has paid, in the sum of \$500 plus interest thereon at the rate of 10% simple interest per annum from September 26, 1996, until paid; (2) pays the \$1,000 sanction, together with any interest that may be due thereon, that the superior court imposed on him and his client Leddie Oplado or, if the \$1,000 sanction and any interest thereon has already been paid by or on behalf of Oplado, makes restitution in that same sum directly to Oplado, or the Client Security Fund if it has paid; (3) pays the \$600 sanction, together with any interest that may be due thereon, that the superior court imposed on his client Robert Coleman or, if the \$600 sanction and any interest thereon has already been paid by or on behalf of Coleman, makes restitution in that same sum directly to Coleman, or the Client Security Fund if it has paid; (4) provides satisfactory proof of all of the foregoing restitution to the State Bar's Probation Unit in Los Angeles; (5) attends six hours of Mandatory Continuing Legal Education Courses



in law office management that meets with the prior approval of the State Bar's Probation Unit and provides satisfactory proof of completion of those courses to the State Bar's Probation Unit; (6) develops a written law office management plan that meets with the approval of the State Bar's Probation Unit; and (7) provides proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Johnson is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

S096365 In re **Andrew K. Alger** on Discipline

It is ordered that **Andrew K. Alger, State Bar No. 142838**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended for six months and until he makes restitution to Judith K. Staples in the amount of \$1000 plus 10% interest per annum from February 11, 1998; and to Mendocino County in the amount of \$1500, (or the Client Security Fund, if appropriate) and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on December 22, 2000, as modified by its order filed February 22, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further

ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S096368 In re **Jon Louis August** on Discipline

It is ordered that **Jon Louis August, State Bar No. 58801**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 22, 2001, as modified by its order filed March 2, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

S096369 In re **Michael P. Fedynyshyn** on Discipline

It is ordered that **Michael P. Fedynyshyn, State Bar No. 123566**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed February 13, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891,

fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S096555

In re **Consuelo T. Ancog** on Discipline

It is ordered that **Consuelo T. Ancog, State Bar No. 178642**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for one year and until she makes restitution to Marilyn Aquino (or the Client Security Fund, if appropriate) in the amount of \$633 plus 10% interest per annum from January 26, 1999; to Fidela Shook (or the Client Security Fund, if appropriate) in the amount of \$5,890 plus 10% interest per annum from November 23, 1999, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel,. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on February 27, 2001. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for two years or more, she shall remain actually suspended until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S096556 In re **David Yoshio Nakahara** on Discipline

It is ordered that **David Yoshio Nakahara, State Bar No. 80461**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including five months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed February 16, 2001, as modified by its order filed March 23, 2001. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2002 and 2003.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

